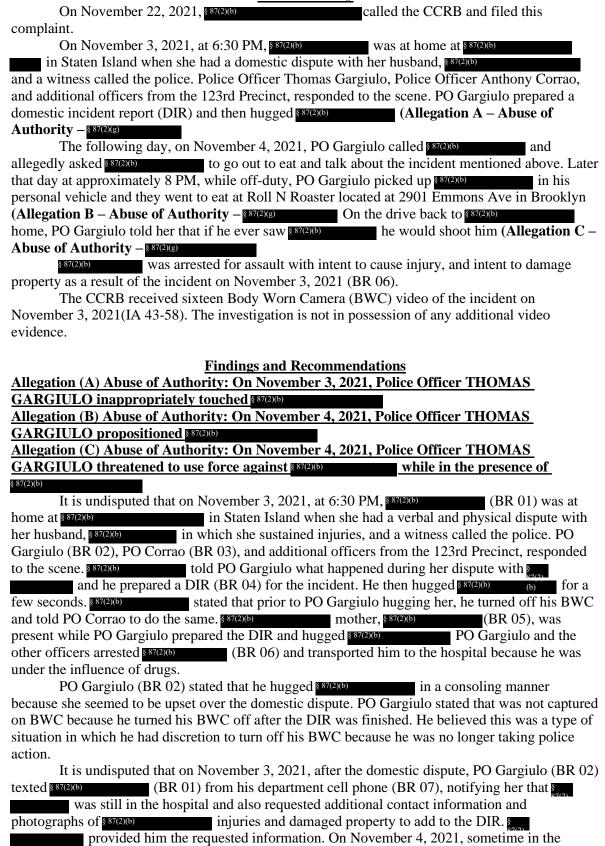
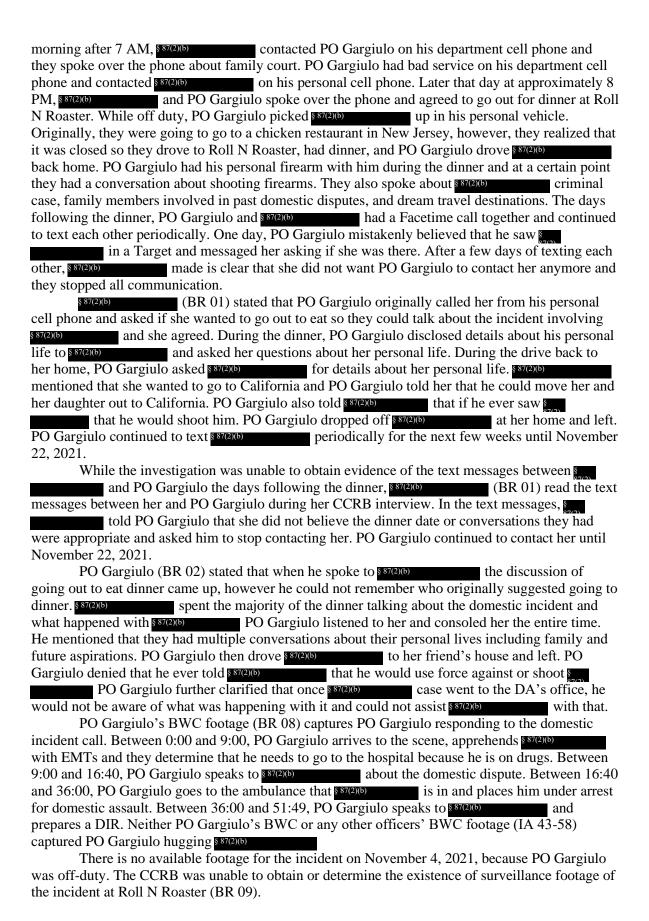
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ For	ce 🔲	Discourt.	U.S.
Edward Tsigel		Squad #16	202107082	☑ Abı	ise 🔲	O.L.	☐ Injury
Incident Date(s)		Location of Incident:			18 Mo. S	OL	Precinct:
Wednesday, 11/03/2021 6:30 PM, Thursday, 11/04/2021 8:00 PM		§ 87(2)(6) Roaster (2901 Emmons Brooklyn)	and Roll N s Avenue, in		5/3/202	23	123
Date/Time CV Reported		CV Reported At:	How CV Reported:	: Date	e/Time Red	eived at CC	RB
Mon, 11/22/2021 12:29 PM		CCRB	Call Processing System	Mor	n, 11/22/20	21 12:29 PN	1
Complainant/Victim	Type	Home Addre	ss				
Witness(ss)		Home Addre					
Witness(es)		Home Addre	ss				_
Subject Officer(s)	Shield	TaxID	Command				
1. PO Thomas Gargiulo	22318	969085	123 PCT				
Witness Officer(s)	Shield N	o Tax No	Cmd Name				
1. PO Anthony Corrao	03347	948814	123 PCT				
2. SGT Kappa Farid	00467	925259	123 PCT				
3. PO Akila Nanayakkara	26498	971161	123 PCT				
4. PO Arniko Shrestha	30594	946556	123 PCT				
5. PO Christopher Gilmore	05733	934930	123 PCT				
6. PO Amy Vadala	05442	933434	123 PCT				
7. PO Meraris Brito	25485	970998	123 PCT				
8. PO John Latanzio	08320	963599	123 PCT				
Officer(s)	Allegatio	on			Investig	ator Recon	nmendation
A.PO Thomas Gargiulo		On November 3, 2021, Poinappropriately touched		as			
B.PO Thomas Gargiulo		On November 4, 2021, Perpropositioned § 87(2)(6)	olice Officer Thoma	as			
C.PO Thomas Gargiulo	Gargiulo	On November 4, 2021, Potheratened to use force of the presence of \$87(2)(6)		as			

Case Summary



CCRB Case # 202107082



According to the <u>Stop Sexual Harassment Act</u> (BR 10) sexual harassment is any unwelcome verbal or physical behavior and can include unwanted touching. Sexual harassment is illegal in New York City.

<u>Patrol Guide Procedure 200-02</u> (BR 11) states that officers are to treat everyone with compassion, courtesy, professionalism, respect, and respect the dignity of each individual while rendering police services. Officers must maintain a higher standard of integrity than is expected of others.

Patrol Guide Procedure 205-36 (BR 12) states that sexual harassment is unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Conduct which could be considered sexual harassment includes subtle or direct propositions, and any unnecessary or unwanted touching including but not limited to patting or pinching.

The NYPD Disciplinary Matrix (BR 13) defines a sexual proposition as any conduct or solicitation for the purpose of sexual gratification, or sexual abuse or any sexual behavior that a reasonable person would consider to be an abuse of authority (Footnote 57).

PO Gargiulo responded to a domestic incident of a sensitive nature in which
was the victim of physical violence and sustained injuries. After preparing the DIR, he
hugged \$87(2)(b) While PO Gargiulo stated that he did this in a consoling manner, the hug
was unsolicited by \$87(2)(0) inappropriate, and was done so without her consent. PO
Gargiulo hugged serons while he was performing law enforcement duties in uniform and
with knowledge that she was a domestic violence victim. Furthermore, the hug served as a prelude
to propositions made the day after the initial incident. SETCIO
The following day, PO Gargiulo and went out to eat dinner. PO Gargiulo stated that he did not remember who originally suggested going out to eat dinner, however, regardless of who suggested it, he agreed to it despite only having met when he responded to the domestic incident involving as the victim. Additionally, he stated that he was unaware of any further development in domestic incident case or criminal case and was unable to assist her or inform her in regards. He had multiple conversations with conversations with over dinner involving personal life topics unrelated to the domestic violence case or any law enforcement matters.
§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which \$87000 has been a party (BR 14).
- Police Officer Thomas Gargiulo has been a member-of-service for two years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of April 26, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (BR 15).

•	[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad:	16		
Investigator:	Edward Tsigel Signature	Investigator Edward Tsigel Print Title & Name	5/16/2022 Date
Squad Leader:	Patrick Yu Signature	IM Patrick Yu Print Title & Name	05/20/2022 Date
Reviewer:	Signature	Print Title & Name	Date